



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

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July 19, 2002

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

LETTER OF DEFICIENCY
No. WMD 02-20

Moore North America, Inc.
279 Locust Street
Dover, New Hampshire 03820

Attn: Mr. Karvel J. Feenstra, Supervisor, Plant Engineering & Safety

Re: Moore North America, Inc.
Dover, New Hampshire
EPA ID # NHD991302597

Dear Mr. Feenstra:

On April 8, 2002, the Department of Environmental Services (DES) conducted an inspection of Moore North America, Inc. (Moore). The purpose of the inspection was to determine Moore's compliance status with RSA 147-A and its implementing regulations, the New Hampshire Hazardous Waste Rules (codified as Env-Wm 100-1100).

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

1 RSA 147-A:4/Env-Wm 353.04(o) – Limited Permit

At the time of inspection, Moore was operating a wastewater treatment unit (WTU), *i.e.*, the coolant evaporator unit, which is a hazardous waste treatment facility within the definition of RSA 147-A:2, IV because it treats wastewater, water soluble coolants, and cutting oils contaminated with metal grindings. These combined waste streams that result in the generation of "evaporator sludge oil" is classified as "Used Oil" as defined by Env-Wm 110.01(b)(147), and are therefore regulated as New Hampshire hazardous wastes with a waste code of NH01. Since the "evaporator sludge oil" generated from the evaporator unit is being disposed of rather than being recycled as a used oil, DES has determined that the evaporator unit is regulated, and thus requires a Limited Permit under Env-Wm 353.04. If the "evaporator sludge oil" generated from the evaporator unit: 1) will be recycled as a used oil; and/or 2) is not NH01 (based on analytical testing), the activity would not be subject to regulation under the Hazardous Waste Rules, per Env-Wm 802.02(b). DES has no record of receiving a Limited Permit Application form from Moore for the evaporator unit.

RSA 147-A:4, I requires any person who wishes to construct or operate a hazardous waste treatment facility to first obtain a permit from DES.

Env-Wm 353.04(o) specifies that an operator can obtain a Limited Permit for a WTU (in this case, a coolant evaporator unit) provided the requirements of that paragraph are met, including the submission of a Limited Permit application form. Initial applications are subject to a \$500 fee, as referenced by Env-Wm 353.07(d).

DES requests that Moore obtain a Limited Permit for the WTU by complying with the requirements of Env-Wm 353.04(o), which include submitting the enclosed New Hampshire Limited Permit application form.

2. Env-Wm 502.01 - Hazardous Waste Determination

At the time of the inspection, Moore had not performed complete site-specific waste determinations for: 1) "evaporator sludge oil" generated from treatment in the on-site evaporator; and 2) "wave oil."

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

At the time of inspection, Moore was classifying the waste "evaporator sludge oil" and "wave oil" as NH01 hazardous waste. DES has determined that "NH01" may not be the only applicable waste code for these waste streams. More descriptive waste codes may apply, therefore DES requests that Moore perform a hazardous waste determination for the waste identified above. This determination should be made using analytical testing. This testing should include, at a minimum, Toxicity Characteristic Leaching Procedure (TCLP) for RCRA metals under Env-Wm 403.06 for the "evaporator sludge oil" waste stream (see deficiency #1 above), and a test for ignitability under Env-Wm 403.03 for the "wave oil" waste stream. Moore will need to provide the results of the hazardous waste determination, along with any other supporting data, such as chemical analyses, to DES. For your convenience, enclosed is a list of laboratories that perform hazardous waste analysis.

In the event the above-listed wastes do not possess any of the hazardous waste characteristics outlined in Env-Wm 403, Moore must also ensure compliance with the requirements of Env-Wm 807.06(b)(7)- Used Oil Determination referenced in Deficiency #11. If the analytical results indicate the wastes exhibit a hazardous waste characteristic, the applicable federal waste codes will apply.

3. Env-Wm 507.01(a)(3) – Storage Requirements

During the inspection of the area immediately outside the Maintenance Area door, one (1) 55-gallon container of hazardous waste "hydraulic, cutting oil/debris" was not closed.

Env-Wm 507.01(a)(3), requires generators to ensure that containers storing hazardous waste be closed at all times, except when waste is being added to or removed from the containers.

DES requests that Moore ensure that containers storing hazardous waste be closed at all times, except when adding or removing waste from the containers.

Subsequent to identifying the above-referenced deficiency during the April 8, 2002, inspection, Mr. Karvel Feenstra properly closed the one (1) container of "hydraulic, cutting oil/debris." No further action is required.

4. Env-Wm 507.01(e-f) & 509.02(c)- Storage Requirements

At the time of the inspection, two (2) 55-gallon satellite containers of hazardous waste ("hydraulic, cutting oil/debris" and "evaporator sludge- oil") were stored outside, uncovered, within 50 feet of surface waters, and without the security measures required by Env-Wm 509.02(c).

Env-Wm 507.01(e) requires generators to ensure that containers storing hazardous waste outside remain covered at all times to prevent precipitation from coming in contact with the container, unless actively adding or removing wastes, or transferring the container to another location. Env-Wm 507.01(f) also requires hazardous waste stored outside to be stored greater than fifty (50) feet from surface waters. Lastly, Env-Wm 509.02(c) requires the following security measures at all outdoor hazardous waste storage areas (deficiencies noted in italics below):

- A. An artificial or natural barrier, such as a fence in good repair, which completely surrounds the hazardous waste storage area to prevent the unauthorized or unknowing entry of persons or livestock;
- B. A means to control entry, at all times, through gates or other entrances to the hazardous waste storage area such as an attendant, television monitor, locked entrance, or controlled roadway access to the area; and
- C. *A sign with the legend, "Danger-Unauthorized Personnel Keep Out", at each entrance to the hazardous waste storage area. Existing signs with other than the aforementioned legend may be used if the legend on the sign indicates that only authorized personnel are allowed to enter the area and that entry can be dangerous.*

DES requests that Moore ensure that containers storing hazardous wastes outside be covered at all times, except to add or remove waste from the container, or transfer the container to another location in compliance with the rules. Tarps which are intact are adequate for this purpose as long as the required hazardous waste labels remain visible. Also ensure that the hazardous wastes are stored no closer than fifty (50) feet from surface waters. In addition, ensure that the security measures listed above are employed at all outdoor hazardous waste storage areas.

5. Env-Wm 509.02(a)(1) & 509.03(h) - Inspection Requirements

At the time of inspection, Moore's records revealed that facility hazardous waste storage area inspections were not conducted and documented from January 1, 2002, until April 8, 2002, and thirty-nine (39) of the fifty-two (52) weeks in year 2001. Monthly inspections of hazardous waste satellite containers in excess of ten (10) gallons had also not been conducted, documented, and included in the inspection schedule.

Env-Wm 509.02(a)(1), which references 40 CFR 265.15, General Inspection Requirements, requires full quantity generators to conduct and document inspections of the facility, including the hazardous waste storage area(s). Per 40 CFR 265.15(d), the inspection records must include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions taken. Env-Wm 509.03(h) requires monthly inspections of satellite storage areas that have accumulated greater than 10-gallons of hazardous waste.

DES requests that Moore record in an inspection log or summary, inspections of its hazardous waste storage areas and satellite storage areas. After conducting your first inspection subsequent to this correspondence, please submit a copy of the inspection log reporting the results to DES.

6. Env-Wm 509.02(a)(2) – Personnel Training

A review of Moore's personnel training program documents revealed that the Primary Emergency Coordinator (Karvel Feenstra), Secondary Emergency Coordinator (Alton Johnson), and one (1) maintenance employee responsible for hazardous waste management (Charles DuBois) had not taken part in an annual training review.

Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program. This includes, but is not limited to, ensuring that personnel responsible for hazardous waste management are trained and participate in annual reviews.

DES requests that Moore conduct and document hazardous waste training and annual updates for the Primary and Secondary Emergency Coordinators as well as all employees who handle hazardous waste. Please submit the updated training documentation to DES.

An April 19, 2002, letter from Mr. Karvel Feenstra, provided a tentative training schedule for obtaining compliance. Therefore, additional correspondence substantiating compliance is forthcoming.

7 Env-Wm 509.02(a)(5) – Contingency Plan

A review of Moore's contingency plan revealed deficiencies regarding the following:

- (a) Names, noting who was designated as the primary and secondary emergency coordinator were not listed/specified;
- (b) Provisions requiring the emergency coordinator to immediately identify the character, exact source, amount, and a real extent of any released materials during an emergency were omitted;
- (c) Provisions requiring the emergency coordinator to assess possible hazards to human health or the environment as a result of the emergency situation were omitted; and
- (d) Provisions requiring the emergency coordinator to notify local authorities if an evacuation is needed during an emergency were omitted.

Env-Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requests that Moore revise and update its contingency plan to correct any deficiencies as identified in the enclosed Hazardous Waste Generator RCRA Inspection Checklist. Enclosed please find a suggested outline for a contingency plan which may also be useful as a guide.

8 Env-Wm 509.02(b) – Emergency Posting

At the time of the inspection, Moore did not have a complete emergency posting at the nearest telephone adjacent to the hazardous waste storage area.

Env-Wm 509.02(b) requires that full quantity generators shall post a list of the steps to take if an emergency occurs and the following emergency numbers at the nearest telephone to the hazardous waste storage area (deficiencies noted in italics below):

- (a) The emergency coordinators (home and office);
- (b) The fire department, *police department*, and *State of New Hampshire and local emergency response teams* that may be called upon to provide emergency services, unless the facility has a 24-hour response team designated to provide emergency services whose number is posted; and
- (c) *The location of fire extinguishers and spill control material, and if present, fire and internal emergency alarms.*

DES requests that Moore post the required information at the nearest telephone to the hazardous waste storage area.

9. Env-Wm 509.03 – Satellite Storage

At the time of the inspection, the one (1) 30-gallon container of “wave oil” in the hazardous waste storage area and the one (1) 55-gallon container of “hydraulic, cutting oil/debris” stored outside the Maintenance Area door were being managed as satellite storage areas.

Env-Wm 509.03 requires that all satellite storage areas be located at or near any point of generation where the wastes initially accumulate and be under the control of the operator of the process generating the waste.

DES requests that Moore manage the above referenced storage areas as full storage areas subject to the provisions of Env-Wm 509.02. To be, “at or near the point of generation, and under the control of the operator of the process generating the waste” the container should be easily and routinely observed for physical condition by the operator.

10. Env-Wm 509.03(g) - Container Marking

At the time of the inspection, two (2) 55-gallon satellite storage containers of hazardous waste (“hydraulic, cutting oil/debris” and “evaporator sludge oil”), stored outside the Maintenance Area door, were not marked with the words “Hazardous Waste.” (Refer to the enclosed Hazardous Waste Container Inventory).

Env-Wm 509.03(g) requires that all hazardous waste satellite storage containers to be marked with the words “hazardous waste” and with the words that identify the contents of the container(s), at the time they are first used to store wastes.

DES requests that Moore properly mark all satellite storage containers of hazardous waste, at the time they are first used to store waste, with the words “hazardous waste.”

During the April 8, 2002, inspection, Mr. Karvel Feenstra marked the two (2) satellite containers referenced above with the words “Hazardous Waste.” No further action is required.

11. Env-Wm 807.06(b)(7) - Standards for Generators of Used Oil being Recycled

At the time of the inspection, Moore had not completed adequate used oil determinations on the following wastes: 1) “evaporator sludge oil”; 2) “hydraulic, cutting oils & debris”; 3) “graphite oil”, and 4) “wave oil.”

Env-Wm 807.06(b)(7) requires generators to conduct an initial used oil determination by analyzing it for all of the parameters specified in Env-Wm 807.02 and Env-Wm 807.03 (exclusive of PCB’s if no source of PCB’s is present).

DES requests that Moore conduct initial used oil determinations for the above-listed wastes using parameters outlined in Env-Wm 807.02 and Env-Wm 807.03. These parameters include arsenic, cadmium, chromium, lead, flash point, and total halogens. Moore should provide the results of the used oil determination to DES. Enclosed please find a summary of the used oil regulations and a list of analytical laboratories that perform the required testing.

Should the analyses indicate contaminants present at a level which could result in the waste failing the TCLP, then the TCLP analyses should also be performed for those parameters. In the event TCLP analyses indicate levels of metals in excess of regulatory thresholds (outlined in Env-Wm 403.06(d), Table 4.9), the applicable waste code(s) will apply in lieu of the NH01 designation.

In the event any of the above-listed wastes were determined to be hazardous, based on analysis performed in Deficiency #2, a used oil determination is not required.

DES requests that Moore schedule a meeting with DES within fifteen (15) days of the receipt of this Letter of Deficiency to discuss the deficiencies listed above, and the corrective action necessary to achieve compliance. Specifically, DES would like to address portions of the hazardous waste generator standards (Env-Wm 500 *et seq.*) which may not apply if Moore's waste streams are classified as used oil for recycle. DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by Moore can be submitted within thirty (30) days after the aforementioned meeting. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Moore, including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may reinspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Kenneth W. Marschner, Administrator
DES/WMD
6 Hazen Drive
Concord, New Hampshire 03301-6509

Enclosed you will find a copy of the completed Hazardous Waste Generator RCRA Inspection Checklist which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

Enclosure: Inspection Checklist
NHDES "Suggested outline for a contingency plan"
NHDES List of "Laboratories that test hazardous waste"
NHDES "Summary of the used oil regulations"
NHDES "List of analytical laboratories that perform the required testing"
NHDES "Limited Permit application form"